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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,296	11/19/2001	Ji Hyun Hwang	MRE-0042	8448

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EXAMINER

TUGBANG, ANTHONY D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/988,296

Applicant(s)

HWANG ET AL.

Examiner

A. Dexter Tugbang

Art Unit

3729

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 29 October 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 16-18.Claim(s) withdrawn from consideration: 19-31.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

A. Dexter Tugbang
Primary Examiner
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Attachment to Advisory Action

I. Restriction Requirement

Applicant's election with traverse of the invention of Group I-A, Claims 16-18 in the reply filed on 9/24/04 is acknowledged. The traversal is on the ground(s) that the subject matter in Claims 19 and 27 is quite similar to the subject matter in Claims 16-18 and that since Claims 16-18 were previously examined and searched, the restriction requirement should be withdrawn. This is not found persuasive because in the amendment filed on 2/12/04, Claim 19 was amended to include new features that were not originally claimed and new Claims 21-31 present new features that also were not originally claimed, which would make the subject matter not similar. So the amendment (filed on 2/12/04) presents claimed subject matter that was not originally claimed and is distinct and divergent from the subject matter originally for the reasons properly set forth in the restriction requirement (Final Rejection, dated 4/30/04).

For example, in the group of Claims 16-18, only one circuit board is transferred. Whereas in the group of Claims 19, 20 and 26-31, a plurality of circuit boards are required (per Claim 27) in which this plurality is alternately distributed (per Claim 19). Furthermore, in Claims 21-25, the new features of lifting and lowering the circuit board as well as the use of rollers, again are specific features that were not originally claimed and are distinct from Claims 17 and 18.

It is noted that if Claim 16 is ultimately found to be allowable, then rejoinder of the multiple groups will be considered. However, Claim 16 is not found to be allowable for the reasons set forth below.

The requirement is still deemed proper and is therefore made FINAL.

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II. Prior Art

In regards to the merits of Burt et al, the applicant(s) argue that Burt does not teach a “first multi-layer transfer unit”. In Burt, the rework system 40 was read as a “multi-layer transfer unit” because the rework system includes various elements (i.e. elements 66, 68 72, etc. as shown in Fig. 2A) in which each of these elements can be considered a layer. Thus, these layers altogether are a “multi-layered transfer unit”. Furthermore, the circuit board is transported onto the first multi-layer transfer unit via a first conveyor 43. The “second multi-layered transfer unit” was read as PC board buffer unit 41 and the circuit board is transported on the first multi-layer transfer unit and discharged from the first multi-layer transfer unit to the second multi-layer transfer unit.

Accordingly, the examiner maintains that Burt satisfies all of the limitations of Claims 16-18.